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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,365	06/27/2000	Georgios Chrysanthakopoulos	3797-85751	4833

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EXAMINER

CRAIG, DWIN M

ART UNIT	PAPER NUMBER
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2123

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/604,365

Applicant(s)

CHRYSANTHAKOPOULOS ET AL.

Examiner

Dwin M Craig

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5-31-2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25, 26, 28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25, 26, 28 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 1-24 and 27 have been cancelled. Claims 25, 26, 28 and 29 are presented for reconsideration in view of Applicant's arguments and amended claim language.

Response to Arguments

2. Applicant's arguments submitted in the response dated 5/31/2005 have been fully considered. The Examiners response is as follows.

2.1 Applicant argued, *on page 4 of the 5/31/2005 responses,*

[To show the feature of the pointer including a uniform resource locator (URL), the action relies on col. 6 lines 15-30 of Staats '331. Contrary to the actions assertion however, Staats 331' is wholly devoid of a teaching or suggestion of a pointer including a URL.]

The Examiner has found Applicants' arguments to be persuasive and withdraws the previous 35 USC § 103 rejections of Applicants' claims.

2.2 The Examiner notes that US Patent 5,968,152 Staats, in fact does teach the limitation of using a pointer to a URL.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Independent **Claim 26 and 29** and dependent **Claims 25 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Staats et al. U.S. Patent 5,809,331** in view of **Crick U.S. Patent 5,339,432** and in further view of **Staats U.S. Patent 5,968,152** *hereafter referred to as the Staats 152' reference.*

3.1 As regards independent **Claims 26 and 29** and using Independent claim 26 as an example, the *Staats et al.* reference teaches, a system, a communications medium, a driver that is stored in memory and a method of automatically loading the driver (Figures 1-6, Col. 1 Lines 15-40, Col. 4 Lines 12-35).

Detecting that the device is connected (Col. 6 Lines 49-67).

Determining if a driver is in memory (Col. 5 Lines 6-15).

Loading the driver (Col. 9 Lines 50-57).

Determining the suitability of the driver (Figure 6).

Using an IEEE 1394 device (Col. 1 Lines 15-41).

However, the *Staats et al.* reference does not expressly disclose *prompting a user to manually load a device driver compatible with the operating system or having a URL as a pointer to the location of the device driver.*

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The *Crick* reference discloses prompting a user to manually load a device driver compatible with the operating system (Col. 2 Lines 40-64).

It would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to allow a user to select and configure a device driver because by doing so allows the user to upgrade a device driver without having to manually configure any arcane and poorly documented system configuration settings (*Crick, Col. 1 Lines 46-68*).

The *Staats 152*' reference discloses *having a URL as a pointer to the location of the device driver* (Col. 6 lines 15-30).

It would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to have used the URL method in the *Staats 152*' reference to point a user to a web site containing the latest version of a device driver because, the web site could periodically have the newest/best version of a device driver provided and therefore allow for a user to get the best version without having to send the user a computer readable media like a floppy disk or CDROM in order for the user to update the device driver. Further, the CSR (control and status registers) of the configuration ROMs in IEEE 1394 architecture provides for 64 key values in directory and leaf entries within configuration ROMs. If directory and leaf entries are limited to 64 values, support for "plug and play" ROM information and future ROM entries will soon exhaust the available key space. (*see Staats '152 Col. 4 lines 54-64*) So, as artisan would further be motivated to use the teachings in the *Staats '152* reference because of the ability to accommodate future device use in the computer systems.

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3.2 As regards independent **Claim 29**, and the limitation regarding support for a plurality of operating systems, the *Staats et al.* does not expressly disclose the support for multiple operating systems.

The *Staats* '152 reference discloses support for multiple operating systems (Col. 6 line 20, "*Drivers for multiple operating systems may be provided by a device*").

As regards the motivation to use both the teachings of the *Staats et al.* reference and the *Staats* '152 reference please see section 3.1 of this Office Action.

3.3 As regards dependent **Claims 25 and 28** the *Staats et al.* reference discloses a computer readable medium (Figure 2 Item 50).

Conclusion

5. **Claims 25, 26, 28 and 29** have been presented for reconsideration. **Claims 25, 26, 28 and 29** are rejected.

5.1 This action is **Non-Final**.


5.2 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwin M. Craig whose telephone number is (571) 272-3710. The examiner can normally be reached on 10:00 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DMC


Paul L. Rodriguez 9/17/05
Primary Examiner
Art Unit 2125